

APPROVED AS TO FORM AND LEGALITY

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INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

OFFICE OF THE CITY CLERK  
OAKLAND

City Attorney

**OAKLAND CITY COUNCIL**

2009 DEC 22 PM 3:17

**ORDINANCE No. 12998 C.M.S.**

AN ORDINANCE DELETING OAKLAND MUNICIPAL CODE (OMC) SECTION 3.08.140 (ELECTION OF CANDIDATES), AMENDING SECTION 3.08.150 (ORDER OF CANDIDATE NAMES); DELETING SECTION 3.12.210 (TIME PERIODS FOR EXPENDITURES); AMENDING 3.12.040 (INTERPRETATION OF THIS ACT), TO CONFORM THE OMC WITH INSTANT RUNOFF VOTING FOR CITY ELECTIONS

**WHEREAS**, in February 2007, the Oakland City Council submitted to the voters a proposed charter amendment, Measure O, to adopt a system of ranked choice voting, also known as instant runoff voting, to elect all city offices by majority vote in one election;

**WHEREAS**, at the November 7, 2006, a majority of the voting electors adopted Measure O;

**WHEREAS**, in order to implement ranked choice voting for city offices, changes to the Oakland Municipal Code are necessary; now therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The Oakland Municipal Code is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed.

**~~3.08.140 Election of candidates.~~**

~~Any candidate receiving a majority of the vote cast for all candidates for that office at the municipal nominating election shall be declared elected. If at any such election there is any office to which no person was elected, then the two candidates for such office receiving the highest number of votes for such office shall be the candidates, and the only candidates, for such office whose names shall be printed upon ballots to be issued at the second or general municipal election; provided that, in any event, all persons receiving a number of votes equal to the highest number of votes received by any candidate shall also be candidates at such second election. The candidate receiving the highest number of votes cast for all candidates for that office at the second or general municipal election shall be declared elected.~~

**3.08.150 Order of candidates' names.**

A. Within ten days following the last day on which nominating petitions may be filed for ~~an~~ the municipal nominating election or another Oakland municipal election in which nominating petitions are accepted, the City Clerk shall hold a public drawing to

determine the order in which the names of qualifying candidates for each office shall appear on the ballot.

The City Clerk shall write the name of each candidate for an office on a slip of paper, fold the slip so as to conceal the name and place the slip in a box. The City Clerk shall then draw the slips of paper from the box until all the slips are withdrawn. The names of candidates shall be printed on the ballot in the order in which the slips of paper containing the names of candidates are drawn.

~~B. Following the municipal nominating election, the City Clerk shall conduct a drawing to determine the order in which the names of candidates qualifying for the general municipal election shall appear on the ballot. The drawing shall be conducted in the manner specified in subsection A of this section.~~

C. At least five days prior to the date on which any drawing is conducted pursuant to this Section, the City Clerk shall place a notice on the official bulletin board, City Hall, specifying the time, date, and location of the drawing.

### **~~3.12.210 Time periods for expenditures.~~**

~~For purposes of the expenditure ceilings, qualified campaign expenditures made at any time on or before March 31st of the election year shall be considered primary election expenditures, and qualified campaign expenditures made from April 1st until December 31st of the election year shall be considered general election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used in both time periods shall be prorated.~~

### **3.12.040 Interpretation of this Act.**

Unless the term is specifically defined in this Act or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., as they appear in 1998 shall govern the interpretation of this Act.

"Broad-based political committee" means a committee of persons which has been in existence for more than six months, receives contributions from one hundred (100) or more persons, and acting in concert makes contributions to five or more candidates.

"City offices" for the purposes of this Act include: Mayor, City Attorney, City Auditor, City Council members and School Board Directors.

"Election" means any ~~primary or general~~ election held in the city of Oakland for city office. ~~Primary and general elections are separate elections for purposes of this Act. The primary election period shall extend from January 1st of the first year of an election cycle up to and including March 30th of the fourth year of the election cycle, and the~~

~~general election period shall extend from April 1st of the fourth year of the election cycle up to and including December 31st of the fourth year of the election cycle.~~

**SECTION 2. Severability.** If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**SECTION 3. Effective Date.** This ordinance shall not take effect if instant runoff voting is not used pursuant to City Charter Section 1105 (m).

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 2010, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST

(d)(5)

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date: FEB 16 2010

DATE OF ATTESTATION: 3/11/10